

**May 26th, 2016 All Parties Meeting
Haskell Lake Area Petroleum Contamination
After notes and KH Thoughts going forward**

Data Quality QAPP overlook:

The State program and Contractor is operating without a sampling QAPP, nor data quality objectives. Currently there are significant QA/QC concerns with work presented. Inaccurate, misrepresented, or data with QA/QC deficiencies/errors misrepresent the site and cannot be used for site planning or site decisions. When these errors are identified, they can be corrected before site decisions are made on bad data.

Example- inaccurate locations at November meeting- several (3+) boring location were misrepresented + - 20 -30 feet. Dave was trying to discredit Tribal VAS work by using data he collected in a misrepresented location. The error was identified- the State gave the contractor additional money to complete a survey- The survey data from September work was provided to the state in October and the Tribe/EPA in February.

Example- The highest levels of contamination collected from geoprobe efforts are listed in the report table as BH-22A. The boring log for BH22-A shows a 5 ft dry borehole.

Missing data and proprietary observations is preventing important site evaluation needed for site planning. For Example, seven wells were installed at depth, but boring logs forms are blank with no soil data (the form says “blind drilled”). Soil data was collected and the contractor logged soils in the field as well as taking samples for field screening. The contractor has refused to share the collected data. This poses a problem for site evaluation. We have no information on what soils the wells are screened in, nor the lithological units the wells are installed through.

This problem of QA/QC concerns historically effected site decisions also. During the 1st state cleanup the state closure decision was based partly on a MannKendall statistical test with data that did not match lab reports. In this case, a site decision was made by the State with misrepresented data.

Data evaluation and recommendations that come out of the State Contractor/ State Program are inaccurate and do not work toward Tribal Assessment and Cleanup Goals. For Example, the contractor presents groundwater flow direction away from the lake and in the opposite direction of EPA’s contractor and Tribal evaluation of the same data. The State Contractor interpretation of plume extent is inaccurate and underestimated. The conclusions and recommendations in the State Contractors Report are inaccurate and do not reflect the EPA-Tribe agreed understanding of site conditions.

A key part of the Tribe’s Site Investigation Evaluation is a viable conceptual site model. This is a capacity void of the current state contractor. For Example- the contractors explanation for a source area correlating to the recovery well and contamination drawn to depth is- the pumping well on the other side of the building (~200 feet away) drew the contamination down- followed

by quizzing the Tribe on knowledge of an alleged pipe connecting the Kozaks well to a property across the highway that operated from the 30's until it burned down in the 40s-50s. I am extremely frustrated with this kind of lunacy.

Where we are:

We are considering sending REI a responsible party letter. Evidence supporting this is

- 1) Illegal discharge of contaminants from the remediation system into Haskell lake without a federal discharge permit
- 2) Site Conditions show the poorly designed remediation system complicated site conditions by drawing contamination to depth and creating a large source zone. This changes the site conditions, resulting in contamination significantly more difficult and expensive to access and cleanup. This site condition also prevents any natural degradation that was possible.
- 3) The contractor misrepresented data resulting in a state closure decision.

Benefits/Cost:

The benefit is that the cleanup could be paid for entirely REI's environmental liability insurance

Risks to this are huge.

This idea is currently back burnered

What I would like to see done:

- 1) Continued split sampling- agreed in consultation
- 2) Honor Margret's offer for EPA contractor presence during any State borings or well installation.
- 3) Fund Tribal Independent Data Evaluation and Program Support

Plan to Investigate the Degree and Extent of Contamination

The Tribe's Responsible Party letter to the Kozak's requires a Plan to Investigate the Degree and Extent of Contamination.

What I would like to see done:

- 1) EPA evaluate all data collected to date and prepare a work plan to investigate the degree and extent of contamination (Existing Results Evaluated- Data Gaps Identified- Work plan developed to collect data).

OR

- 2) EPA fund the Tribe to evaluate data collected and prepare a work plan to investigate the degree and extent of contamination (Existing Results Evaluated- Data Gaps Identified- Work plan developed to collect data).

Interim Action Evaluation and Planning

A large well-developed significant source area contributing to a highly contaminated groundwater plume persists.

The Tribe's cleanup program includes and encourages interim action during a site investigation. The Tribe has partial funding for interim action activities and requires additional resources to implement.

What I would like to see done:

- 1) EPA evaluates interim action possibilities and costs – *This was expected and anticipated last fall.* EPA prepare a work plan for interim action

OR

- 2) EPA fund the Tribe to evaluate interim action possibilities and cost and prepare a work plan for interim actions

OR

Tribe utilize BIA source removal funds for interim action evaluation and planning

EPA/State deal on work swapping:

In last Thursday's meeting, there were several mentions of EPA-State agreements on who would do what work. The concern is that these agreements are in conflict with our existing consultation agreement. Regardless, the Tribe needs to be aware of the separation of duties for our own planning and evaluation.

We suspected this was occurring and requested the outcomes of the State-Tribe meeting during our March call. The future work arrangements were omitted from the report out. We are also recognizing other omissions from EPA's report on their separate State-EPA meeting.

What I would like to see done:

- 1) The Tribe needs to be aware and included in this separation of duties agreements. EPA provides the "who agrees to do what" information

EPA Implementation Problem:

The Tribe spends considerable time and effort working with EPA to plan site activities needed for the site and consistent with our consultation agreement. EPA has repeatedly told us that this work is forthcoming, only to never implement or change the site activities at the last minute. The goals of the Tribal-EPA planning activities are not being implemented. Instead, it appears that State agreements are superseding EPA-Tribal planned work.

It appears that Mike Harris may be able to help with implementing work. His spoke of milestones and his overall verbiage suggested forward progress. Mr. Harris also discussed EPA help outside of LUST staff with project planning and implementation charts.

Also, Mr. Harris appeared to respond to the site conditions and need for work when presented with cross sections. He even was explaining the cross section to Sherry. These materials are nothing really new and she has seen them since 2013, without generating interest or action.

Without EPA implementing EPA-Tribal agreed work, it does not make sense to continue to allow State presence at the site as their presence appears to be a barrier to implementing Tribal-EPA agreed work.

What I would like to see done:

- 1) EPA evaluates interim action possibilities and costs – *This was expected and anticipated last fall.* EPA prepare a work plan for interim action

OR

- 2) EPA fund the Tribe to evaluate interim action possibilities and cost and prepare a work plan for interim actions